

Docket No.: 0879-0275P
App. No.: 09/661,292

REMARKS

Claims 1-4 are pending in this application. Claims 1 and 4 are independent claims. By this amendment, claim 1 is amended. Reconsideration in view of the above amendments and following remarks is respectfully solicited.

I. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

In the Final Office Action dated September 30, 2002, the following rejections were made: (1) claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,035,137 to Kaneko et al. (hereafter Kaneko); (2) claims 2 and 4 are rejected under 35 U.S.C. §103 as unpatentable over Kaneko; and (3) claim 3 is rejected under 35 U.S.C. §103 as unpatentable over Kaneko in view of U.S. Patent No. 5,859,733 to Miyano (hereafter Miyano). These rejections are respectfully traversed.

Applicant respectfully submits that the above noted rejection under Kaneko fails to establish a *prima facie* case of anticipation because Kaneko fails to teach or suggest each and every feature as set forth in the claimed invention.

In addition, the above noted rejection fails to establish a *prima facie* case of obviousness because even if Kaneko is combined with Miyano and/or with the Examiner's official notice, the structure that has been claimed is not shown or suggested by the cited references.

Independent claim 1 recites, *inter alia*, a lens drive device that is detachably mounted to a lens device body. The detachable lens drive device includes a motor and a storage device that stores information prescribing a braking characteristic of a moving object driven by the motor. An input device receives a signal for changing the braking characteristics. A braking

characteristic setting device changes the settings of the braking characteristic according to the signal received from the input device, wherein brake works before one of a wide angle end and a telephoto end can be changed.

Independent claim 4 recites, *inter alia*, a lens drive device that is detachably mounted to various types of lens device bodies. The detachable lens drive device includes a motor portion for driving various types of moving objects and a storage portion for storing information prescribing a braking characteristic of the various types of moving objects to be driven by the motor portion. An input portion receives a signal for changing the braking characteristics. A braking characteristic setting portion changes the settings of the braking characteristic according to the signal received from the input portion. A display portion attached to the various types of lens devices bodies displays the status of the lens. A switching portion switches the display to correspond with the changing of the braking characteristics.

An aspect of the present invention is that a braking characteristic of the moving object driven by the lens drive device is changeable within the servo module itself. The lens drive device, i.e., servo module 12, is separable from the lens device 10.

In contrast to the present invention, Kaneko fails to teach or suggest the above noted aspect/feature, i.e., the brake working before one of a wide angle end and a telephoto end can be changed, as set forth in claim 1. Specifically, Kaneko merely discloses moving a lens at a predetermined zoom rate by an operation of a quick zoom switch 32 (SW1), and automatically returning the lens at a stored zoom position by turning off the SW1. However, Kaneko

fails to teach changing a braking characteristic of the zoom, as set forth in the claimed invention.

For example, claim 1 recites that the braking positions (brake working positions) where a brake works before a wide-angle end or a telephoto end can be changed. Thus, the braking characteristic (a characteristic curve of the braking) of a movable element, i.e., a movable lens, can be changed. Therefore, unlike Kaneko, the present invention achieves an effect whereby an optimum characteristic can be set for lenses of various types. Kaneko clearly fails to disclose the above noted feature.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Kaneko, fails to teach or suggest each and every feature as set forth in the claimed invention.

Furthermore, applicant respectfully submits that Miyano fails to make up for the deficiencies found in Kaneko. Like Kaneko, Miyano fails to teach or suggest changing a braking characteristic of the zoom where a brake works before a wide-angle end or a

Docket No.: 0879-0275P
App. No.: 09/661,292

telephoto end can be changed. Thus, the combination of Kaneko with Miyano fails to make obvious the claimed invention.

Applicant respectfully submits that independent claims 1 and 4 are allowable, for at least the reasons set forth above, over Kaneko, either alone or in combination with Miyano. As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-4 under 35 U.S.C. §102(e) and §103(a) is respectfully solicited.

II. CONCLUSION

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

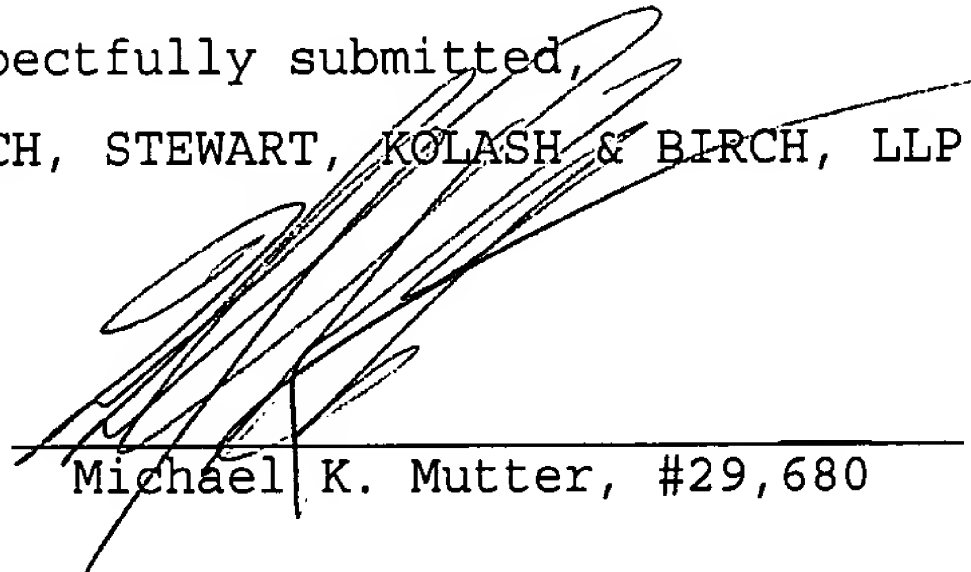
Applicant respectfully petitions under the provisions of 37 C.F.R. §1.136(a) and §1.17 for a one(1) month extension of time in which to respond to the Examiner's Office Action. The appropriate Extension of Time Fee is attached hereto.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

Docket No.: 0879-0275P
App. No.: 09/661,292

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASH & BIRCH, LLP

By 
Michael K. Mutter, #29,680

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

⁰¹³
MKM/CTB/mpe
0879-0275P

Attachment: Version with Markings to Show Changes Made

Docket No.: 0879-0275P
App. No.: 09/661,292

VERSION WITH MARKINGS SHOWING CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Twice Amended) A lens drive device to be detachably mounted to a lens device body, the detachable lens drive device comprising:

a motor;

a storage device which stores information prescribing a braking characteristic of a moving object driven by the motor;

an input device which inputs a signal for changing the braking characteristics; and

a braking characteristic setting device which changes settings of the braking characteristic according to the signal received from the input device,

wherein a brake works before one of a wide angle end and a telephoto end can be changed.